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**From:** Adolphson, Peter (ECY) [pado461@ECY.WA.GOV]  
**Sent:** 11/1/2016 6:14:28 PM  
**To:** Szelag, Matthew [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f1e48230d96943f8acb72810e32ce8d6-Szelag, Matthew]; Braley, Susan (ECY) [SUBR461@ECY.WA.GOV]  
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**Subject:** FW: WQ Policy 1-11/Contaminated Sediment AGENDA  
**Attachments:** 303\_d\_final.pptx

Thanks for checking in Matt.

We would be happy to meet with EPA again, if so desired, to provide you with an update on tribal issues/concerns/discussions. Because Susan Braley is leading the overall effort, I will coordinate with her and the WQ group to set up a meeting....assuming time permits. I think the idea is a good one so we are all on the same page conceptually and technically.

Just so EPA is aware of where we are in the process with tribal coordination, below is a brief summary. I have also included a copy of the PowerPoint we presented to the NWIFC.

Last Thursday, Ecology WQ and TCP staff went over to the NWIFC office and met with the NWIFC tribes to discuss their comments to Ecology/EPA on the 303(d) scoping as well as our discussions with EPA on the listing policy. We focused on the SMS because most of the tribe's comments revolved around the following sediment related questions/comments:

TRIBAL QUESTIONS/CONCERNS: (paraphrased)

- 1) Listings that were based on Part V of the SMS rule should remain in Cat 5.
- 2) Cat 4b listings based upon Part V of the SMS should be moved back to Cat 5 because Part V is no longer a water quality standard and the new SMS rule offers no reassurance that cleanups will meet WQ standards.
- 3) Were fish consumption rates included in the SMS rule amendments?

Based upon discussions with EPA, Ecology provided the following responses to the tribes during the meeting.

- 1) **Part V was not approved as a WQ standard and therefore is no longer used for WQ listing, just for cleanup. Part IV which includes SIZmax (Sediment Impact Zone maximum) remains a WQ standard and is equivalent the CSL (Cleanup Screening Level) in Part V of the SMS. Part IV (SIZmax) and Part III (SQS-Sediment Quality Standards) will be used in combination for CAT 5 listings. As a result, no changes to how Cat 5 sediment listing or delisting are expected to occur.**
- 2) **Additionally, because of this SMS framework, no changes will occur regarding how Cat 5 listing are moved to 4b. Reporting requirements for the 4b listings (in lieu of the TMDL) will be**

updated in policy 1-11 to ensure EPA reporting requirements are met with demonstrate cleanup progress.

- 3) Regarding seafood consumption Ecology stated that: “The rule amendments include a narrative that requires cleanup levels to be based on a Reasonable Maximum Exposure (RME) and that the default RME is a tribal exposure scenario. And Ecology uses RME for tribes with greatest consumption rate for the waterbody within which tribal Usual and Accustomed (U and A) fishing ground rights have been established.”

Pete Adolphson  
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**From:** Szelag, Matthew [mailto:Szelag.Matthew@epa.gov]  
**Sent:** Monday, October 31, 2016 4:31 PM  
**To:** Adolphson, Peter (ECY) <pado461@ECY.WA.GOV>; Asher, Chance (ECY) <CASH461@ECY.WA.GOV>; Brown, Sharon R. (ECY) <sbro461@ECY.WA.GOV>; Braley, Susan (ECY) <SUBR461@ECY.WA.GOV>; Lizon, Patrick (ECY) <pliz461@ECY.WA.GOV>; Bresler, Helen (ECY) <HBRE461@ECY.WA.GOV>; Chung, Angela <Chung.Angela@epa.gov>; Mann, Laurie <mann.laurie@epa.gov>; Fullagar, Jill <Fullagar.Jill@epa.gov>; Croxton, Dave <Croxton.David@epa.gov>; Gildersleeve, Melissa (ECY) <MGIL461@ECY.WA.GOV>  
**Subject:** RE: WQ Policy 1-11/Contaminated Sediment AGENDA

Hi Peter,

I wanted to check in with you and your group prior to the Policy 1-11 meeting coming up on 11/14. I'm wondering if we need to have this group meet again to hear how things will be presented on the 14<sup>th</sup>. Prior to EPA's action on the SMS, there was a lot of coordination with the NWIFC tribes and we are hearing the tribes may have some concerns/questions. Eventually, it may be best for you, us, and the tribes to have a meeting, but I thought it would be best if you could set up a meeting for the people on this email that participated in the last meeting so we could understand the latest from your perspective first.

Thanks,

*Please note the new phone number and address below.*

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**From:** Adolphson, Peter (ECY) [mailto:pado461@ECY.WA.GOV]  
**Sent:** Thursday, September 22, 2016 11:39 AM  
**To:** Asher, Chance (ECY) <CASH461@ECY.WA.GOV>; Brown, Sharon R. (ECY) <sbro461@ECY.WA.GOV>; Braley, Susan (ECY) <SUBR461@ECY.WA.GOV>; Lizon, Patrick (ECY) <pliz461@ECY.WA.GOV>; hbre461@ECY.WA.GOV; Szelag, Matthew <Szelag.Matthew@epa.gov>; Chung, Angela <Chung.Angela@epa.gov>; Mann, Laurie <mann.laurie@epa.gov>; Fullagar, Jill <Fullagar.Jill@epa.gov>; croxton.dave@epa.gov  
**Subject:** WQ Policy 1-11/Contaminated Sediment AGENDA

Hello WQ 303(d) policy folks,

Attached is the agenda for tomorrow. Since we have only an hour, my goal is to get as much insight from EPA on their thinking about the 1-11 listing policy as much as the time allows. There may be the need for some follow up discussion but I attempted to narrow the topics to what I think are the "BIG" issues for now.

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